

## **REMARKS**

An Office Action was mailed on November 17, 2014. Claims 1 – 12 are presently pending in the application.

### **REJECTION UNDER 35 U.S.C. §§ 102, 103**

Claims 1, 2, 5 – 8, 11 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,614,808 to Gopalakrishna. Claims 1, 2, 5 – 8, 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gopalakrishna in view of U.S. Patent No. 5,959,974 to Badt et al. Claims 1 - 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,721,334 to Ketcham in view of U.S. Patent No. 6,212,190 to Mulligan. Applicants respectfully traverse these rejections.

In independent claim 1, for example, Applicants disclose:

**1. A network relay apparatus comprising:**

a routing information gathering unit for determining the maximum transmission unit of a transmission path along a route over which packets are to be transmitted;  
and

a combining unit for assembling a combined packet by combining packets up to a length that does not exceed the maximum transmission unit of said transmission path.

Gopalakrishna discloses a system for aggregating data packets communicated between one or more sessions operating on each of a source system and a target system (see, e.g., abstract of Gopalakrishna). The Examiner notes that Gopalakrishna suggests that a maximum aggregation

size can be negotiated when the physical transport parameters are established (see, e.g., column 5, lines 48 – 59 of Gopalakrishna).

However, unlike Applicants' invention as claimed in independent claim 1, Gopalakrishna fails to specifically disclose determining a maximum transmission unit of a transmission path (transmission path MTU), and then combining packets up to a length that does not exceed the determined transmission path MTU.

As described for example in Applicants' specification at page 6, line 36– page 7, line 1, and page 9, line 24 – 25, Applicants' claimed transmission path MTU is defined to be the smallest MTU among MTU's for all of the links along a transmission path. Methods for determining transmission path MTU are well known (e.g., as defined in RFC 1191). However, none of the cited prior art, including Gopalakrishna, teaches or otherwise suggests a method for combining packets based on the transmission path MTU. As a result, Applicants respectfully submit that independent claim 1 is not anticipated by Gopalakrishna, and is in condition for allowance.

As independent claim 7 recites a method of combining packets that essentially includes the limitations of independent claim 1, Applicants reapply the above arguments to submit that independent claim 7 is also not anticipated by Gopalakrishna and in condition for allowance. As claims 2 – 6 and 8 – 12 respectively depend from allowable independent claims 1 and 7, Applicants submit that claims 2- 6 and 8 – 12 are allowable for at least this reason.

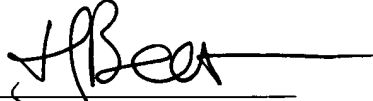
## CONCLUSION

In view of the amendments and set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJ Bean', with a horizontal line extending to the right.

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TJB: pm